

Panaji, 19th February, 1987 (Magha 30, 1908)

SERIES I No. 47

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/6/74-PER(Vol.III)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs, Notification No. F.7(11)/62-Goa dated 25-7-1963 the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'D' post in the Directorate of Industries and Mines under the Government of Goa, Daman and Diu, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Directorate of Industries and Mines, Group 'D' post Recruitment Rules, 1987.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 19th January, 1987.

>Sub: Recruitment Rule - Directorate of Industries and Mines, Group 'D' post of Assistant Operator.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
Gestetner Operator	1 (1987) subject to variation dependent on workload	Group 'D'	Rs. 800-15-1010-EB-20-1150	Selection	Not exceeding 30 years (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government)	Essential: 1. Middle School or equivalent preferably in English. 2. Experience as Gestetner Operator. Desirable: Knowledge of Konkani.	N.A.	Two years	By promotion following which by direct recruitment.	Peons in the Department with three years experience in operating duplicating machine and having adequate knowledge of the same.	Group 'D' D.P.C. (for confirmation).	N.A.

Law Department

Legal Affairs Branch

Notification

LD/1/87-L.A.B./11

The Dowry Prohibition (Amendment) Act, 1986 (Act No. 43 of 1986) which was passed by Parliament and assented to by the President of India on the 8th September, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 9-9-1986, is hereby republished for general information.

P. V. Kadhekar, Under Secretary (Drafting).

Panaji, 12th January, 1987.

The Dowry Prohibition (Amendment) Act, 1986

AN

ACT

further to amend the Dowry Prohibition Act, 1961, and to make certain necessary changes in the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Dowry Prohibition (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.* — In the Dowry Prohibition Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words "or after the marriage", the words "or any time after the marriage" shall be substituted.

3. *Amendment of section 3.* — In section 3 of the principal Act, in sub-section (1), —

(a) in the opening paragraph, for the words "six months, but which may extend to two years, and with fine which may extend to ten thousand rupees or the amount of the value of such dowry, whichever is more", the words "five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more" shall be substituted;

(b) in the proviso, for the words "six months", the words "five years" shall be substituted.

4. *Insertion of new section 4A.* — After section 4 of the principal Act, the following section shall be inserted, namely: —

"4A. *Ban on advertisement.* — If any person, —

(a) offers, through any advertisement in any newspaper, periodical, journal or through any

other media, any share in his property or of any money or both as a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative,

(b) prints or publishes or circulates any advertisement referred to in clause (a),

he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, or with fine which may extend to fifteen thousand rupees:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months."

5. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) in sub-section (2), —

(i) after the words "time limit specified therefor", the words, brackets and figure "or as required by sub-section (3)," shall be inserted;

(ii) for the words "which may extend to ten thousand rupees", the words "which shall not be less than five thousand rupees, but which may extend to ten thousand rupees" shall be substituted;

(b) in sub-section (3), the following proviso shall be inserted, namely: —

"Provided that where such woman dies within seven years of her marriage, otherwise than due to natural causes, such property shall, —

(a) if she has no children, be transferred to her parents, or

(b) if she has children, be transferred to such children and pending such transfer, be held in trust for such children.";

(c) in sub-section (3A), —

(i) after the word, brackets and figure "sub-section (1)", the words, brackets and figure "or sub-section (3)" shall be inserted;

(ii) for the words "her heirs", wherever they occur, the words "her heirs, parents or children" shall be substituted.

6. *Amendment of section 7.* — In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) Notwithstanding anything contained in any law for the time being in force, a statement made by the person aggrieved by the offence shall not subject such person to a prosecution under this Act."

7. *Amendment of section 8.* — In section 8 of the principal Act, in sub-section (2), for the word "bailable", the word "non-bailable" shall be substituted.

8. *Insertion of new sections 8A and 8B.* — After section 8 of the principal Act, the following sections shall be inserted, namely: —

"8A. *Burden of proof in certain cases.* — Where any person is prosecuted for taking or abetting the taking of any dowry under section 3, or the demanding of dowry under section 4, the burden of proving that he had not committed an offence under those sections shall be on him.

8B. *Dowry Prohibition Officers.* — (1) The State Government may appoint as many Dowry Prohibition Officers as it thinks fit and specify the areas in respect of which they shall exercise their jurisdiction and powers under this Act.

(2) Every Dowry Prohibition Officer shall exercise and perform the following powers and functions, namely: —

(a) to see that the provisions of this Act are complied with;

(b) to prevent, as far as possible, the taking or abetting the taking of, or the demanding of, dowry;

(c) to collect such evidence as may be necessary for the prosecution of persons committing offences under the Act; and

(d) to perform such additional functions as may be assigned to him by the State Government, or as may be specified in the rules made under this Act.

(3) The State Government may, by notification in the Official Gazette, confer such powers of a police officer as may be specified in the notification on the Dowry Prohibition Officer who shall exercise such powers subject to such limitations and conditions as may be specified by rules made under this Act.

(4) The State Government may, for the purpose of advising and assisting the Dowry Prohibition Officers in the efficient performance of their functions under this Act, appoint an advisory board consisting of not more than five social welfare workers (out of whom at least two shall be women) from the area in respect of which such Dowry Prohibition Officer exercises jurisdiction under sub-section (1)."

9. *Substitution of new section for section 10.* — For section 10 of the principal Act, the following section shall be substituted, namely: —

"10. *Power of the State Government to make rules.* — (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the additional functions to be performed by the Dowry Prohibition Officers under sub-section (2) of section 8B;

(b) limitations and conditions subject to which a Dowry Prohibition Officer may exer-

cise his functions under sub-section (3) of section 8B.

(3) Every rule made by the State Government under this section shall be laid as soon as may be after it is made before the State Legislature."

10. *Amendment of Act 45 of 1860.* — In the Indian Penal Code, after section 304A, the following section shall be inserted, namely: —

'304B. *Dowry death.* — (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation. — For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961. 28 of 1961.

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.'

11. *Amendment of Act 2 of 1974.* — In the Code of Criminal Procedure, 1973, in the First Schedule after the entries relating to section 304A, the following entries shall be inserted, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
1	2	3	4	5	6
'304B	Dowry death	Imprisonment of not less than seven years but which may extend to imprisonment for life.	Ditto	Non-bailable	Court of Session."

12. *Amendment of Act 1 of 1872.* — In the Indian Evidence Act, 1872, after section 113A, the following section shall be inserted, namely: —

'113B. *Presumption as to dowry death.* — When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

Explanation. — For the purpose of this section, "dowry death" shall have the same meaning as in section 304B of the Indian Penal Code.' 45 of 1860.

Notification

LD/1/87-L.A.B./20

The Constitution (Fifty-Third Amendment) Act, 1986 which was passed by Parliament and assented

to by the President of India on the 14th August, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 14-8-1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 16th January, 1987.

The Constitution (Fifty-Third Amendment) Act, 1986

AN

ACT

to further amend the Constitution of India.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Constitution (Fifty-third Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new article 371G.* — After article 371F of the Constitution, the following article shall be inserted, namely: —

"371G. *Special provision with respect to the State of Mizoram.* — Notwithstanding anything in this Constitution, —

(a) no Act of Parliament in respect of —

(i) religious or social practices of the Mizos,

(ii) Mizo customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Mizo customary law,

(iv) ownership and transfer of land,

shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:

Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986;

(b) the Legislative Assembly of the State of Mizoram shall consist of not less than forty members."

Notification

LD/1/87-L.A.B./20

The Merchant Shipping (Amendment) Act, 1985 (Act No. 33 of 1986) which was passed by Parliament and assented to by the President of India on 14th August, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 14-1-86, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 20th January, 1987.

Sub: Shipping - The Merchant Shipping (Amendment) Act, 1986

The Merchant Shipping (Amendment) Act, 1986

AN
ACT*further to amend the Merchant Shipping Act, 1958.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Merchant Shipping (Amendment) Act, 1986.

2. **Omission of section 80.**—In the Merchant Shipping Act, 1958 (herein- 44 of 1958. after referred to as the principal Act), section 80 shall be omitted.

3. **Amendment of section 86.**—In section 86 of the principal Act, the words “or service”, wherever they occur, shall be omitted.

4. **Amendment of section 87A.**—In section 87A of the principal Act, in clause (b), —

(i) sub-clause (ii) shall be omitted;

(ii) in sub-clause (iii), the words “or service” shall be omitted; and

(iii) the words “or Indian Naval ship” shall be omitted.

5. **Saving.**—For the removal of doubts, it is hereby declared that the amendments made in the principal Act by this Act shall not apply to, or in relation to, any certificate of service granted under section 80 or recognised under section 86 of the principal Act before the commencement of this Act and the principal Act shall apply in relation to such certificates as if this Act had not been enacted.

Notification

LD/1/87-L.A.B./12

The Commissioners of Inquiry (Amendment) Act, 1986 (Act No. 36 of 1986) passed by Parliament and assented to by the President of India on the 20th August, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 21-8-1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 23rd January, 1987.

The Commissions of Inquiry (Amendment) Act, 1986

AN
ACT*further to amend the Commissions of Inquiry Act, 1952.*

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Commissions of Inquiry (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 14th day of May, 1986.

Sub: Inquiry — The Commission of Inquiry (Amendment) Act, 1986

2. **Amendment of Act 60 of 1952.**—In section 3 of the Commissions of Inquiry Act, 1952 (herein-after referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied that in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or in the public interest, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under sub-section (1), and issues a notification to that effect in the Official Gazette.

Explanation.—For the purpose of sub-section (5), “report” includes an interim report and all proceedings of a Commission.

(6) Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its reassembly, and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be.’

3. **Repeal and saving.**—(1) The Commissions of Inquiry (Amendment) Ordinance, 1986, is hereby repealed.

6 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act as amended by this Act.

Notification

LD/1/87-L.A.B./31

The State of Mizoram (Amendment) Ordinance, 1986 (No. 8 of 1986) promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 30th December, 1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 27th January, 1987.

Sub: Mizoram — The State of Mizoram (Amendment) Ordinance, 1986

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th December, 1986/Pausa 9, 1908
(Saka)

THE STATE OF MIZORAM (AMENDMENT)
ORDINANCE, 1986

No. 8 of 1986

Promulgated by the President in the Thirty-seventh
Year of the Republic of India.

An Ordinance to amend the State of Mizoram Act,
1986.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the State of Mizoram (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. *Insertion of new section 12A.*— After section 12 of the State of Mizoram Act, 1986, the following section shall be inserted, namely:—

“12A. *Election to the Legislative Assembly.*—

(1) For the purpose of constituting, with effect from the appointed day, the Legislative Assembly of the State of Mizoram, a general election shall be held, as soon as may be after the delimitation of all the Assembly constituencies under section 11.

(2) For the purposes of sub-section (1), the Administrator of the existing Union territory of Mizoram shall, by one or more notifications published in the Official Gazette of the existing Union territory of Mizoram, call upon all the said assembly constituencies to elect members in accordance with the provisions of the Representation of the People Act, 1951, and of the rules and orders made or issued thereunder as applicable under sub-section (3).

(3) The Representation of the People Act, 1950, the Representation of the People Act, 1951, the rules and orders made or issued under the said Acts and all other laws for the time being in force relating to elections shall apply with necessary modifications (including modifications for construing references therein to a State, State Government and Governor as including references to the existing Union territory of Mizoram, the Government of that Union territory and the Administrator of that Union territory,

respectively) to, and in relation to, the general election referred to in sub-section (1).”

ZAIL SINGH,
President.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.

Notification

LD/1/87-L.A.B./15

The Tamil Nadu Legislative Council (Abolition) Act, 1986 (Act No. 40 of 1986), passed by Parliament and assented to by the President of India on 30th August, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1st September, 1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 28th January, 1987.

The Tamil Nadu Legislative Council (Abolition) Act, 1986

AN

ACT

to provide for the abolition of the Legislative Council of the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Tamil Nadu Legislative Council (Abolition) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) “article” means an article of the Constitution;

(c) “Council” means the Legislative Council of the State of Tamil Nadu;

(d) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Tamil Nadu;

(e) “Legislative Assembly” means the Legislative Assembly of the State of Tamil Nadu.

7 Sub: - Legislature - The Tamil Nadu Legislative Council (Abolition) Act, 1986
SERIES I No. 47

3. Abolition of the Council. — (1) The Legislative Council of the State of Tamil Nadu is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. Amendment of article 168. — In sub-clause (a) of clause (1) of article 168, the words "Tamil Nadu," shall be omitted.

5. Amendment of Act 43 of 1950. — In the Representation of the People Act, 1950, —

(a) in the Third Schedule, entry No. 4 relating to Tamil Nadu shall be omitted;

(b) in the Fourth Schedule, the heading "Tamil Nadu" and the entries thereunder shall be omitted.

6. Repeal of the Delimitation of Council Constituencies (Madras) Order, 1951. — The Delimitation of Council Constituencies (Madras) Order, 1951, is hereby repealed.

7. Provision as to pending Bills. — (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Tamil Nadu in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. Power to adapt laws. — The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, published in the Official Gazette, make such adaptations and modifications of any law made before such commencement whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Power to construe laws. — Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

Establishment Branch

Notification

4-5-84/LD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 88 of the Indian Registration Act, 1908 (Central Act 16 of 1908), and in partial modification of the Government Notification of even number dated 26-6-1984, published in the Official Gazette, Series I, No. 14, dated 5-7-1984, the Lieutenant Governor of Goa, Daman and Diu hereby specifies the Senior Divisional Manager and the Divisional Manager of Life Insurance Corporation of India, as holders of the public offices for the purpose of the said section.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. V. Kadneker, Under Secretary (Law).

Panaji, 2nd February, 1987.